

**CITY OF SALINA, KANSAS**  
**REGULAR MEETING OF THE BOARD OF COMMISSIONERS**  
**May 7, 2007**  
4:00 p.m.

The City Commission convened at 2:30 p.m. in a Study Session for a financial update. The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. A roll call was taken followed by the Pledge of Allegiance and a moment of silence.

There were present:

Mayor Alan E. Jilka, Chairman presiding  
Commissioner Luci Larson  
Commissioner Aaron Peck  
Commissioner R. Abner Perney  
Commissioner John K. Vanier II

comprising a quorum of the Board, also present:

Jason A. Gage, City Manager  
Greg Bengtson, City Attorney  
Lieu Ann Elsey, City Clerk

Absent: None

**CITIZEN FORUM**

None.

**AWARDS - PROCLAMATIONS**

(4.1) The week of May 13 – 19, 2007 as “Police Week” in the city of Salina. Lieutenant Sean Morton read the proclamation and announced upcoming events.

(4.2) The week of May 6 – 12, 2007 as “Building Safety Week” in the city of Salina. Michael Roberts, Building Official, read the proclamation and announced upcoming events.

**PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME**

None.

**CONSENT AGENDA**

(6.1) Approve the minutes of April 23, 2007.

(6.2) Authorize purchase of a digital multifunctional copy machine from ImageQuest in the amount of \$20,740.

(6.3) Approval of Change Order No. 3 for the Salina Soccer Complex – Restroom Concession Building Project No. 03-1399 in the amount of \$9,375.

07-7569 Moved by Commissioner Perney, seconded by Commissioner Vanier, to approve the consent agenda as presented. Aye: (5). Nay: (0). Motion carried.

### **DEVELOPMENT BUSINESS**

(7.1) Application #Z07-6 filed by the Saline County Dialysis Center, requesting a change in zoning district classification from R-2 (Multi-Family Rental) to PC-1 (Planning Restricted Business) on property addressed at 710, 714-716 and 718 E. Iron Avenue ,legally described as Lots 3, 4, 5, 6, and 7 in Block 7 of the Oakdale Addition.

(7.1a) First reading Ordinance No. 07-10387.

Dean Andrew, Director of Planning and Community Development, explained the request and the Planning Commission's recommendation and conditions for approval. Mr. Andrew then responded to Commissioner Vanier's question regarding paving of the alley.

Mr. Andrew responded to Mayor Jilka's question regarding the nonconforming issues of the zoning.

A discussion followed between Commissioner Perney and Mr. Andrew regarding commercial zoning.

07-7570 Moved by Commissioner Vanier, seconded by Commissioner Peck, to pass Ordinance No. 07-10387 on first reading. Aye: (5). Nay: (0). Motion carried.

### **ADMINISTRATION**

(8.1) Second reading Ordinance No. 07-10379 providing a change in zoning district classification from C-3 to C-5 on property addressed as 1513 S. Ninth Street.

Mayor Jilka noted that Ordinance No. 07-10379 was passed on first reading on April 23, 2007 and since that time no comments have been received.

07-7571 Moved by Commissioner Perney, seconded by Commissioner Vanier, to adopt Ordinance No. 07-10379 on second reading. A roll call vote was taken. Aye: (4) Larson, Peck, Perney, Vanier. Nay: (1) Jilka. Motion carried.

(8.2) Second reading Ordinance No. 07-10386 amending Chapter 42 of the Salina Code by amending the definition of junkyard and adding sections for related definitions.

Mayor Jilka noted that Ordinance No. 07-10386 was passed on first reading on April 23, 2007 and since that time no comments have been received.

07-7572 Moved by Commissioner Vanier, seconded by Commissioner Larson, to adopt Ordinance No. 07-10386 on second reading. A roll call vote was taken. Aye: (5) Larson, Peck, Perney, Vanier, Jilka. Nay: (0). Motion carried.

(8.3) Salina Code Chapter 8 amendments.

(8.3a) First reading Ordinance No. 07-10388 amending Chapter 8, Article II, Section 8-163 of the Salina Code pertaining to the Building Advisory Board membership.

(8.3b) First reading Ordinance No. 07-10389 amending Chapter 8, Article I, Division 3 by adding Section 8-78.5 amending Section 408.2 of the Uniform Plumbing Code (UPC) pertaining to the requirements for finish installation of certain plumbing fixtures.

Mike Roberts, Building Official, explained the current requirements and the proposed amendments for Building Advisory Board's membership and the proposed amendment to the Uniform Plumbing Code. Mr. Roberts also noted the Building Advisory Board's recommendations on both items.

A discussion followed between Commissioner Vanier and Mr. Roberts regarding the number of engineers that could serve on the board. Commissioner Vanier expressed concerns of the possibility of the lack of an architect serving on the board.

07-7573 Moved by Commissioner Perney, seconded by Commissioner Peck, to pass Ordinance No. 07-10388 on first reading. Aye: (5). Nay: (0). Motion carried.

07-7574 Moved by Commissioner Perney, seconded by Commissioner Vanier, to pass Ordinance No. 07-10389 on first reading. Aye: (5). Nay: (0). Motion carried.

(8.4) Resolution No. 07-6391 authorizing the intention to convey title of real estate to the Salina Community Theatre Association.

Jason Gage, City Manager, explained the Theatre's expansion project, request, and the proposed resolution. Mr. Gage then responded to Commissioner Vanier's question regarding the current maintenance agreement.

Michael Spicer, Executive Director of the Salina Community Theatre, responded to Commissioner Vanier's question regarding the expansion project.

Mr. Gage and Mr. Spicer then responded to Commissioner Vanier's question regarding the maintenance agreement with the Salina Arts Center.

Mr. Gage then outlined Exhibit "A" of the resolution.

Commissioner Vanier commented on the importance of making the agreement clear on the city's and the Theatre's responsibilities. Mr. Spicer commented on the issue also.

Mr. Gage responded to Commissioner Perney's question regarding the future of Founders Park.

Mr. Gage gave a brief background on how these types of agreements evolve.

Mr. Spicer commented on the economic benefits the Salina Community Theatre brings to the community.

07-7575 Moved by Commissioner Vanier, seconded by Commissioner Peck, to adopt Resolution No. 07-6391.

Mayor Jilka acknowledged that Jack Stewart was in the audience, who had worked on the original agreement with the Salina Community Theatre.

Jack Stewart commented on the joint agreement, and felt that the agreement has worked well over the years.

Mayor Jilka called the question. Aye: (5). Nay: (0). Motion carried.

(8.5) Approve the return of the remaining privately raised funds for the Smoky Hill Museum Gallery Renovation Remodeling, Project No. 04-1506.

Susan Hawksworth, Smoky Hill Museum Director, explained the project, project funding, request of transfer of funds, and use of the funds as follows:

- Set up an endowment with the Greater Salina Community Foundation (\$53,424)
- Transfer to the Friends of the Smoky Hill Museum Store to update fixtures and restocking of the store to reflect the new gallery exhibits (\$12,000)
- To be retained by the Friends of the Smoky Hill Museum to restore operational expenses depleted during the renovation process (\$12,000)

Ms. Hawksworth then responded to Commissioner Vanier's question regarding the use of donations for operational expenses.

Joyce Volk, Past President of the Friends Foundation, commented on the use of funds for operational expenses and the operation of the retail gift store.

Greg Bengtson, City Attorney, responded to Commissioner Vanier's question regarding the return of the funds.

Ms. Volk commented on the original transfer of the funds to the city. She noted that the Board of the Friends Foundation felt that the transfer was appropriate since the building was city owned and there would be owned good fiscal management of the funds and project.

Ms. Volk then responded to Commissioner Larson's question regarding the Friends membership and whether the donors were aware of the donations were going to be used for operational expenses.

Ms. Hawksworth commented on the 501(c)(3) status of the organization

Ms. Volk responded to Commissioner Larson's regarding the number of paid staff in the retail store.

07-7576            Moved by Commissioner Perney, seconded by Commissioner Larson, to approve the return of \$77,424 privately raised monies for Project No. 04-1506 to the Friends of the Smoky Hill Museum, Inc. as presented. Aye: (5). Nay: (0). Motion carried.

(8.6)            Authorize an agreement for the relocation of utility lines on South Ohio Street.

Karlton Place, City Engineer, explained the project, agreement, and funding.

Jason Gage, City Manager, commented on the inclusion of the hike/bike path.

A discussion followed between Mayor Jilka, Mr. Place and Greg Jackson with Westar Energy regarding placing the utilities underground. Mr. Jackson noted the significant price difference for placing the utilities underground.

Mr. Jackson responded to Commissioner Perney's question regarding the location of the utility lines.

Mr. Gage commented on the cost difference between relocating utilities within an easement versus a right-of-way.

07-7577            Moved by Commissioner Vanier, seconded by Commissioner Peck, to authorize an agreement for the relocation of utility lines on South Ohio Street from Schilling Road to Magnolia Road with Westar Energy in the amount of \$249,000. Aye: (5). Nay: (0). Motion carried.

(8.7)            Mayor board appointments.

Mayor Jilka made the following appointments:

- Mayor Jilka: Chamber of Commerce Board, Economic Development Executive Committee, Library Board, and the Salina Economic Development Incentives Council.
- Commissioner Larson: Convention and Tourism Committee and the City-County Board of Health
- Commissioner Peck: City-County Board of Health and the Building Authority Board.
- Commissioner Perney: Salina Airport Authority, Salina Housing Authority, and the North Central Regional Planning Commission.
- Commissioner Vanier: Arts and Humanities Commission and the Building Authority Board.

## **OTHER BUSINESS**

Jason Gage, City Manager, noted that a press conference took place this afternoon

regarding the flooding situation and that Community Access Television would be airing that conference at the top of each hour until 10:00 p.m.

07-7578 Moved by Commissioner Larson, seconded by Commissioner Vanier, to recess into executive session for ten minutes to discuss matters subject to the attorney-client privilege for the reason that public discussion would waive the privilege; and reconvene at 5:20 p.m. Aye: (5). Nay: (0). Motion carried.

The City Commission recessed into executive session at 5:10 p.m. and reconvened at 6:02 p.m. No action was taken.

### **ADJOURNMENT**

07-7579 Moved by Commissioner Perney, seconded by Commissioner Larson, that the Regular Meeting of the Board of Commissioners be adjourned. Aye: (5). Nay: (0). Motion carried. The meeting adjourned at 6:02 p.m.

Alan E. Jilka, Mayor

**[SEAL]**  
**ATTEST:**

Lieu Ann Elsey, CMC, City Clerk